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**EXHIBIT 1**

1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 BOARHEAD FARM AGREEMENT CIVIL ACTION NO.  
4 GROUP, 02-CV-3830  
5 Judge Legrome D. Davis  
6 VOLUME I  
7 Plaintiff, Oral Deposition of  
8 vs. ROBERT W. LANDMESSER

9 ADVANCED ENVIRONMENTAL TECHNOLOGY  
10 CORPORATION; ASHLAND CHEMICAL  
11 COMPANY, BOARHEAD CORPORATION;  
12 CARPENTER TECHNOLOGY CORPORATION;  
13 CROWN METRO, INC.; DIAZ CHEMICAL  
14 CORPORATION; EMHART INDUSTRIES,  
15 INC.; ETCHED CIRCUITS, INC.; FCG,  
16 INC.; GLOBE DISPOSAL COMPANY, INC.;  
17 GLOBE-WASTECH, INC.; HANDY & HARMAN  
18 TUBE COMPANY, INC.; KNOLL, INC.;  
19 MERIT METAL PRODUCTS CORPORATION;  
20 NOVARTIS CORPORATION; NRM INVESTMENT  
21 COMPANY; PLYMOUTH TUBE COMPANY;  
22 QUIKLINE DESIGN AND MANUFACTURING  
23 COMPANY; RAHNS SPECIALTY METALS,  
24 INC.; ROHM & HAAS COMPANY, SIMON  
25 WRECKING COMPANY, INC.; TECHALLOY  
COMPANY, INC.; THOMAS & BETTS  
CORPORATION; UNISYS CORPORATION;  
UNITED STATES OF AMERICA  
DEPARTMENT OF NAVY,

Defendants.

18 \* \* \* \* \*  
19 MONDAY, NOVEMBER 22, 2004  
20 \* \* \* \* \*

21 Transcript in the above matter taken at  
22 the offices of WOLFF & SAMSON, PC, The Offices at  
23 Crystal Lake, One Boland Drive, West Orange, New  
24 Jersey, commencing at 10:00 a.m.

25 Certified Shorthand Reporting Services  
Arranged Through  
Mastroianni & Formaroli, Inc.  
709 White Horse Pike  
Audubon, New Jersey 08106  
(800) 972-3377

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1 capacity for how long?  
 2 A. Till July 6, 1976.  
 3 Q. And on that date what did you do?  
 4 A. I was terminated.  
 5 Q. And why was that?  
 6 A. I was too environmentally sensitive.  
 7 Q. Meaning?  
 8 A. I was too sensitive to the environment.  
 9 Q. I don't know what you mean by that. Can  
 10 you elaborate?  
 11 A. I thought there were certain aspects of  
 12 the disposal industry that was not truly doing what  
 13 was necessary to insure the long term liability of  
 14 the environment. And that there were better ways to  
 15 do certain things so management decided to let myself  
 16 go.  
 17 Q. And what did you do after that?  
 18 A. On or about August of 1976 formed a  
 19 company with a gentleman by the name of John  
 20 Leuzarder. And we started a company called AE – or  
 21 Advanced Environmental Technology Corporation.  
 22 Q. Are you familiar with a company called  
 23 Gaess, G-a-e-s-s.  
 24 A. Yes.  
 25 Q. And what was that?

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1 A. I don't recall.  
 2 Q. Do you know what his position was at  
 3 Gaess?  
 4 A. Specifically, no.  
 5 Q. Do you know what duties he performed for  
 6 Gaess?  
 7 A. I could guess that he was a salesman.  
 8 Q. Well, we don't want you to guess. If  
 9 you have a – if you can estimate, approximate. If  
 10 you have some kind of basis to say that, please do,  
 11 but...  
 12 A. All right, I don't know at this point.  
 13 Q. Okay. Did he sell Gaess' services, the  
 14 disposal services?  
 15 A. As I said, I believe he was a  
 16 salesperson so he did pretty much what I did.  
 17 Q. Do you know when he started working for  
 18 Gaess?  
 19 A. Whenever the merger took place.  
 20 Q. He was there prior to that? He was  
 21 there when Scientific, Inc. was still Scientific,  
 22 Inc?  
 23 A. I believe so.  
 24 Q. Did you know him during that time  
 25 period?

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1 A. Gaess – Gaess is a company does outside  
 2 advertisement.  
 3 Q. Did you work for Gaess?  
 4 A. Not the outdoor advertisement group, no.  
 5 Q. Did you work for another group of Gaess?  
 6 A. Another group of Gaess. Gaess  
 7 Environmental Services was the entity that was the  
 8 merged between Scientific, Inc. and SCA.  
 9 Q. The merged company was called Gaess, is  
 10 that what –  
 11 A. It was called Gaess Environmental  
 12 Services.  
 13 Q. How did you meet John Leuzarder?  
 14 A. I don't recall.  
 15 Q. Where did you meet him?  
 16 A. I thought you just asked me where and  
 17 when I met him.  
 18 Q. I asked you how you met him.  
 19 A. I don't recall at this point.  
 20 Q. Was he an employee of Gaess?  
 21 A. I believe John was, yes.  
 22 Q. Did you work together?  
 23 A. Yes.  
 24 Q. Is the first time you met him while you  
 25 were working at Gaess?

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1 A. I recall knowing him prior to the  
 2 merger, yes.  
 3 Q. Okay, so after July 6, 1976, you and  
 4 Leuzarder formed a company, is that what you said?  
 5 A. That is correct.  
 6 Q. And what was the name of that company?  
 7 MR. SABINO: He already told you that.  
 8 THE WITNESS: Advanced Environmental  
 9 Technology Corporation.  
 10 BY MS. MOONEY:  
 11 Q. How did you all come to form that  
 12 company? I mean, did you have discussions about  
 13 doing that while you were both Gaess employees? How  
 14 did it come about, can you describe that?  
 15 A. I seem to recall after we got let go, I  
 16 said we could do a better job than the people who we  
 17 were formerly employed with.  
 18 Q. So Leuzarder was also terminated?  
 19 A. Yes.  
 20 Q. At the same time that you were?  
 21 A. I don't recall. On or about the same  
 22 time.  
 23 Q. Okay. So you were the initiator of the  
 24 idea, it sounds like?  
 25 A. I'm the first adopter, yes.

8 (Pages 26 to 29)

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1 Q. And you approached Leuzarder and said  
 2 hey, I think we can do this better and then what  
 3 happened after that?  
 4 A. We formed AETC.  
 5 Q. And do you know precisely when AETC was  
 6 formed?  
 7 A. As I said August of 1976.  
 8 Q. Did you incorporate then?  
 9 A. That's my understanding.  
 10 Q. And where did you incorporate?  
 11 A. State of New Jersey.  
 12 Q. What was your relationship to AETC? Do  
 13 you want to take a break?  
 14 A. No, I just want to get a cup of coffee.  
 15 MS. MOONEY: Let's take a break for a  
 16 second.  
 17 (Brief Recess)  
 18 BY MS. MOONEY:  
 19 Q. When we left we were talking about the  
 20 formation of AETC and you were describing, I believe,  
 21 how the company started. Why was it that you  
 22 approached Leuzarder about starting this company?  
 23 A. John and I were of one mind regarding  
 24 how we should treat customers and it seemed like the  
 25 natural thing to do.

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1 Q. And how was that? How was it that you  
 2 treated customers that you appreciated the way that  
 3 he did it?  
 4 (OBJECTION) MR. SABINO: Objection. Leading  
 5 question. Asking how he treated customers suggests  
 6 something to him.  
 7 BY MS. MOONEY:  
 8 Q. What was it that you liked about the  
 9 treatment of customers?  
 10 A. Well, I think in these days with the  
 11 change in law that there was a cleaving of the old  
 12 ways. And we had a professional background and we  
 13 understood corporate America and a desire to do  
 14 things right. So we approached people who we thought  
 15 wanted to do things correctly with the forward  
 16 thinking of RECRA.  
 17 Q. When you say we, who do you mean?  
 18 A. We is AETC.  
 19 Q. This is prior to the formation of AETC  
 20 that you approached Leuzarder, right?  
 21 A. I think that's a philosophy that we both  
 22 shared and it was just naturally through setup of  
 23 ETC.  
 24 Q. When you say cleaving of the old ways,  
 25 what old ways are you referring to?

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1 A. A long discussion could probably follow,  
 2 but there was now going to be regulation. This is  
 3 1976, Department of Transportation did not even  
 4 regulate the shipments of hazardous waste, did not  
 5 understand them or identify them. So we focused on  
 6 the DOT part of it. Met with the deputy director of  
 7 DOT in Washington and made them aware that there were  
 8 certain things that were taking place that they felt  
 9 should be regulated. And we approached customers  
 10 that were interested in complying with the spirit but  
 11 not the law of transportation to get materials safely  
 12 from their facility to the end disposal site. So  
 13 that's what we approached most people on.  
 14 Q. Complying with new regulations?  
 15 A. Complying with transportation  
 16 regulations that were not specific to hazardous  
 17 waste, but would include hazardous waste upon closer  
 18 reading of the regulations.  
 19 Q. So the -- did the initial period of AETC  
 20 deal with more Department of Transportation  
 21 regulations?  
 22 A. That coupled with the -- with the  
 23 more -- or with the greater awareness of  
 24 environmental issues, ecology issues back there --  
 25 back then the proper management of hazardous waste.

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1 You gotta remember in 1976, the garbage men were  
 2 handling all the hazardous waste and the garbage men  
 3 took it to places where garbage went. They had no  
 4 concept of how materials should be handled.  
 5 Q. Who else was brought into AETC at that  
 6 point in August of 1976?  
 7 A. Brought in as in the form of hire?  
 8 Q. What other employees did you have?  
 9 A. A woman by the name of Sue Lemore,  
 10 L-e-m-o-r-e. That's all I recall right now.  
 11 Q. And what were her duties?  
 12 A. Essentially office manager. Very smart  
 13 woman.  
 14 Q. So in August 1976, the employees of the  
 15 company were -- who were they?  
 16 A. John and Bob and Sue Lemore.  
 17 Q. And John was who?  
 18 A. Leuzarder.  
 19 Q. And Bob?  
 20 A. Landmesser.  
 21 Q. Yourself?  
 22 A. Correct.  
 23 Q. And where was the company located?  
 24 A. John Leuzarder had a house, 97 West  
 25 Hanover Avenue. It was a former real estate office

9 (Pages 30 to 33)

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1 Q. And when you say internal option, what  
2 do you mean?  
3 A. Well, American Cyanamid down in Bound  
4 Brook, which is one of the plaintiffs here, they had  
5 a water treatment facility. And in my dealings with  
6 them they dealt with a material called nigrosine dye.  
7 The nigrosine dye was an organic dye that lended  
8 itself to very simple chlorination. And instead of  
9 disposing all this black powder, they could treat it  
10 with a sodium hyperchloride and it would convert it  
11 to materials that you'd could handle right in their  
12 water treatment plant. So it's a very quick and easy  
13 way of saying why are you disposing of this when you  
14 could do it internally. Why don't you just think of  
15 adding bleach to it.  
16 Q. And how did you come up with these  
17 alternative ways of dealing with the waste?  
18 A. I learned everything I know from  
19 chemistry class or from my customers and by looking  
20 outside the box and looking at why people are doing  
21 things as opposed to what they're doing. A lot of  
22 alternatives and size another example. You know,  
23 they were taking QC samples in gallon jars because  
24 purchasing could buy gallon jars cheap. So every  
25 time they ran a batch, they put it in a gallon jar.

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1 Now, when they got rid of it, it was a hundred bucks  
2 a drum. Take it in 10 cc's, same issues, same QC  
3 lab, no waste. We saved them 50, \$60 thousand a year  
4 just like that, because they weren't thinking about  
5 what they were doing.  
6 Q. Did you have occasion to -- strike that.  
7 How often did you interact with the  
8 regulatory authorities in these disposal options that  
9 you would give your customers?  
10 A. I was intimately involved in dealing  
11 with the state agencies in 1976 through '80. Even  
12 later than that. I helped write a piece for PCBs for  
13 headquarters Washington. That was a source of what  
14 was taking place and how it was taking place and from  
15 that we could craft solutions for our customers.  
16 Q. Okay. And, again, just sticking to the  
17 six year period that we had talked about 1976 to  
18 1982. After a facility agreed to use AETC's  
19 services, how did you memorialize that agreement?  
20 A. With a handshake.  
21 Q. Any documentation generated?  
22 A. I wasn't much on contracts. I felt if  
23 you did not want to use our service, you were free to  
24 do anything you wanted. We might send them a letter  
25 saying this is outlining what we would do and how we

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1 would do it and why we would do it. It's pretty much  
2 how I characterize my relationship. I have customers  
3 today or I had customers that went for 17, 18 years  
4 with no contract. My word was what I was going to do  
5 and I did what I did and they paid me and we were all  
6 happy.  
7 Q. So it wasn't standard procedure to get  
8 something in writing between AETC and the customer?  
9 A. We did -- we flowed with the needs of  
10 the customer, but we did not necessarily go out and  
11 try to hammer up a five year agreement. We said  
12 we'll do this and you pay us and we'll complete our  
13 obligation, you complete yours.  
14 Q. So there were no kind of standard terms  
15 of any agreement that you would have with a customer.  
16 A. I'm fuzzy about this. As we got bigger  
17 we hired attorneys and the attorneys developed  
18 standard contracts. The attorney was also a Ph.D. in  
19 environmental science, so he was educated beyond my  
20 intelligence.  
21 Q. So at some point you did have a form  
22 contract?  
23 A. Yeah, in what year it escapes me.  
24 Q. Early '80's?  
25 A. Maybe.

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1 Q. Before that in the '70s?  
2 A. Maybe.  
3 Q. So '70s or '80s, you just don't know?  
4 A. I seem to recall that we had a contract  
5 with the National Institute of Health in 1979. It  
6 was probably their contract or initiated by them to  
7 us.  
8 Q. Did most of your customers have a verbal  
9 agreement with AETC or a written agreement?  
10 A. I don't know if you did it on dollar  
11 volume versus number of customers. Sister Coleitis  
12 didn't have a contract with us, nor did we expect  
13 payment but we took her picric acid. Yes, no, I  
14 don't recall specifics.  
15 Q. You don't recall whether most of your  
16 customers had a written agreement with AETC to handle  
17 their waste?  
18 A. I would be guessing and I don't want to  
19 do that.  
20 Q. Okay. What about your customers who  
21 were established companies? Did most of those  
22 customers have written agreement or not?  
23 A. I'm not sure what you mean by  
24 established.  
25 Q. Well, you mentioned American Cyanamid,

23 (Pages 86 to 89)



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1 A. Yes.  
 2 Q. Yes, was that the answer?  
 3 A. Yes.  
 4 Q. And how did you do that? How did you  
 5 verify the permitted status of the haulers?  
 6 A. In a methodical fashion that allowed us  
 7 to stay on top of who was licensed and who wasn't.  
 8 Q. Okay, what was that methodical fashion?  
 9 A. Whatever was necessary during that  
 10 period of time.  
 11 Q. Between '76 and '82?  
 12 A. Yes. You're talking about a whole  
 13 series of new increased regulations.  
 14 Q. In general, though, would you contact  
 15 the state agency or the regulating agency and check  
 16 on the status, whatever that would entail?  
 17 A. Well, however we were selecting a  
 18 hauler. You gotta remember, we were a very localized  
 19 group of people. Dealing with the State of New  
 20 Jersey they would give us a conferment and we would  
 21 verify that in 1976. As the state agencies became  
 22 more sophisticated we expanded that, especially with  
 23 JT Baker school, we had to become regulatory savvy  
 24 throughout the country.  
 25 Q. Other than contacting the relevant

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1 agency, is there anything else that you would do to  
 2 verify the licensed or permitted status of the  
 3 hauler?  
 4 A. We'd probably ask for a certificate of  
 5 insurance and then insurance would be verified with  
 6 the agency. And as the regulations increased, we  
 7 would make sure that the MCS90 was more specific than  
 8 just the bond. If it was not -- if it was only a  
 9 bond, then we'd even go farther and say let's look at  
 10 your financial records.  
 11 Q. How about pre 1980, what did you do?  
 12 A. I don't have any specific recollection.  
 13 Q. All right, how about the hauler's  
 14 driving record? Did you take any steps to verify the  
 15 driving record of the haulers that you worked with?  
 16 A. We did. I don't know when we started  
 17 doing that. There has been changes in the law back  
 18 and forth on privacy.  
 19 Q. How about pre 1980?  
 20 A. I would have to look specifically as to  
 21 see what was available.  
 22 Q. How about a background check of the  
 23 haulers that you worked with, did you do that,  
 24 criminal background check?  
 25 A. Nothing that would be considered a

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1 written formal request, because I don't know if  
 2 there's any agency that would give that information  
 3 out. But we were very close with our enforcement  
 4 people and they were kind enough to tell us who they  
 5 felt good about. Give you an example, Chemical  
 6 Control. Are you familiar with Chemical Control?  
 7 Chemical Control was closed by the state police at  
 8 two o'clock. It was a Thursday afternoon. If you  
 9 called the state agency and said were they permitted  
 10 to take waste and it's okay to go there at ten  
 11 o'clock they would say yes, even though there was an  
 12 enforcement action that day and they were under  
 13 surveillance for two years.  
 14 Q. Did that change over time that doing the  
 15 criminal background check, did you do it later post  
 16 1980 for the haulers?  
 17 A. I don't believe New Jersey gave anyone  
 18 access to the casino disclosure statements. Again,  
 19 you relied upon the enforcement agencies.  
 20 Q. What about educational requirements, did  
 21 you have -- did AETC have any educational  
 22 requirements for its haulers or the haulers that it  
 23 used?  
 24 A. Law degrees weren't required. Common  
 25 sense was and educated common sense certainly.

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1 Q. How did you ascertain that?  
 2 A. I don't have any specifics.  
 3 Q. Did you require a high school degree?  
 4 A. We may have asked for a college degree,  
 5 I don't recall.  
 6 Q. You don't recall. What about  
 7 references? Did you require the haulers to give you  
 8 some references before they started working for you?  
 9 A. We knew most of the haulers that we  
 10 dealt with from industry knowledge. Other customers  
 11 that we were in contact with gave us references.  
 12 Q. For those haulers that you didn't know,  
 13 did you require references or not?  
 14 A. I would say that we got references from  
 15 everyone.  
 16 MR. BIEDRZYCKI: As the official  
 17 timekeeper it's 2:02.  
 18 THE WITNESS: I'd like to stay just  
 19 another eight minutes so we could have an even four  
 20 hours of fun.  
 21 MR. BIEDRZYCKI: You'll have time so  
 22 you could do that.  
 23 BY MS. MOONEY:  
 24 Q. Okay, can you describe in general the  
 25 nature of the arrangement that AETC would have with

37 (Pages 142 to 145)

C E R T I F I C A T E

I, Lori A. De Francesco, a Notary Public and  
Certified Shorthand Reporter of the State of New  
Jersey do hereby certify that the foregoing is a true  
and accurate transcript of the testimony as taken  
stenographically by and before me at the time, place  
and on the date hereinbefore set forth.

I do further certify that I am neither a  
relative nor employee nor attorney nor counsel of any  
of the parties to this action, and that I am neither  
a relative nor employee of such attorney or counsel  
and that I am not financially interested in this  
action.

  
Lori A. De Francesco  
Notary Public, State of New Jersey  
My Commission Expires January 10, 2006  
Certificate No. XI01797